

### **REMARKS**

Claims 40, 42, 44, 47, and 50-51 are currently pending in the present application, with Claims 41 and 46 being additionally canceled, and Claims 40, 44, 50, and 51 being amended. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claim 41 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. This rejection is moot in view of the canceled claims.

The Examiner rejected Claims 40, 42, 44, 47, 50, and 51 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,502,194 (Berman et al.) in view of Applicant's admitted prior art ("AAPA"). This rejection is respectfully traversed with respect to the amended claims.

As previously communicated, the present invention is directed to methods and apparatuses for supplying/receiving music data via a network. The novel aspect of these claims is the ability by the user to designate a desired portion of a displayed single music piece and receive music piece data that is created to correspond with the desired portion. Applicants have amended the claims to more clearly specify that the desired portion of the music piece includes music score data AND playback data that contains setting information and a series of reproducing event data.

Berman does not contain any disclosure or suggestion of generating a desired piece of music data that includes, in addition to music score data, playback data for reproducing the musical piece, wherein the playback data includes setting information and a series of reproduction event data.

Again, the cited Berman reference discloses a playback unit that retrieves audio data from a remote server on the basis of user's selection of a music piece and then plays the audio data back in real time. Column 7, lines 15 to 35 of Berman disclose that a track of a user-desired music piece is selected from a selection menu list shown on a display of the playback unit. Column 8, lines 55 to 60 further disclose that housekeeping chores executed by microprocessor

118 of the playback unit include downloading tasks, and that the downloading tasks download the first few seconds of each track of a currently-selected disc and then reduce the latency time when one of the tracks is selected by the user. Fig. 23 of the present application, on the other hand, discloses a music-piece-data delivery system with a billing process server which constitutes relevant prior art of the present invention.

Berman reference discloses only a system that facilitates the downloading of a track of a music piece (or few seconds of the track of the music piece), and does not disclose or teach downloading a desired music piece data file that includes music score data AND playback data for reproducing the desired single music piece, wherein the playback data includes setting information and a series of reproduction event data, and wherein the musical score data includes a series of musical score display event data for displaying an entire musical score of the desired single music piece.

Furthermore, neither Berman nor APA contain any disclosure or suggestion of, in response to a second request information received from the client terminal, creating a partial music piece data file having the entire setting information of the playback data copied therein, partial playback data, AND partial music score data.

Applicants hence respectfully submit that Claims 40, 42, 44, 47, 50, and 51, as amended, are not anticipated by Berman, or obvious in view of the combination of Berman and the admitted prior art.

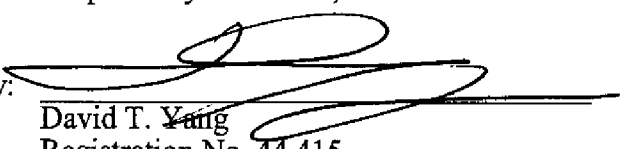
In view of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 39303.20243.00.

Respectfully submitted,

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